

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 13034 of 2004

For Approval and Signature:

HON'BLE MR.JUSTICE K.S.JHAVERI

- =====
1. Whether Reporters of Local Papers may be allowed : NO
to see the judgements?
 2. To be referred to the Reporter or not? : NO
 3. Whether Their Lordships wish to see the fair copy : NO
of the judgement?
 4. Whether this case involves a substantial question : NO
of law as to the interpretation of the Constitution
of India, 1950 of any Order made thereunder?
 5. Whether it is to be circulated to the concerned : NO
Magistrate/Magistrates, Judge/Judges, Tribunal/Tribunals?

SITARAM SHIVARAM VAAGH

Versus

ASHOK VALAJI SINDHAV

Appearance:

1. Special Civil Application No. 13034 of 2004
MR CHIRAYU A MEHTA for Petitioner No. 1-5
NOTICE SERVED for Respondent No. 1-2
MR HASMUKH THAKKER for Respondent No. 3
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CORAM : HON'BLE MR.JUSTICE K.S.JHAVERI

Date of decision: 13/10/2004

ORAL JUDGEMENT

1. RULE. Mr.Hasmukh Thakker learned advocate waives

service of rule on behalf of respondent no.3.

2. I have heard learned counsel for the parties and perused the relevant documents on record. Considering the fact that the petitioners are residing in a large joint family and more particularly when the petitioner no.1 is 71 years of age, it would be appropriate to permit the petitioners to withdraw the amount of Rs.66,400/- invested in the Fixed Deposit No.0656984 lying in the Union Bank of India, G.M.Road Branch, Baroda and the amount of Rs.7,875/- invested in Fixed Deposit No.0656984 lying in the Union Bank of India, G.M.Road Branch, Baroda.

3. In above view of the matter, the petitioners are permitted to withdraw the amounts lying in the Fixed Deposits as aforesaid. The Tribunal shall permit the petitioners to encash the said amounts. With the aforesaid direction, the petition is partly allowed. Rule is made absolute to the aforesaid extent. Direct service is permitted.

(K. S. Jhaveri, J.)

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